

FILED

AO 91 (Rev. 11/11) Criminal Complaint

April 28, 2025

UNITED STATES DISTRICT COURTCLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASfor the
District of ArizonaBY: Marlene Villarreal
DEPUTY

United States of America

v.

Josue Medina-Perez

Defendant(s)

Case No. 24-9556 MJ

EP:25-MJ-2006-ATB**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about December 19, 2024, in the District of Arizona, the defendant, Josue MEDINA-PEREZ, a person confined to Behavioral Systems Southwest (BSSW), located in Florence, Arizona, pursuant to the direction of the Attorney General and the authority delegated to the Bureau of Prisons, and by virtue of a Judgment entered against him for Conspiracy to Distribute 400 grams or more of Fentanyl and Possession with Intent to Distribute 40 grams or more of Fentanyl in the United States District Court for the Eastern District of Washington in Case No. CR-19-06018-EFS-3, did knowingly and willfully escape from that custody, in violation of Title 18, United States Code, Sections 751(a) and 4082(a) (Escape from Custody).

This criminal complaint is based on these facts:

See attached Statement of Probable Cause, incorporated by reference herein.

☒ Continued on the attached sheet.Digitally signed by
DIAMOND ZAMBRANO
Date: 2024.12.27
11:00:29 -07'00'

Reviewed by AUSA Diamond J. Zambrano

WALKER SMITHDigitally signed by WALKER SMITH
Date: 2024.12.27 11:13:53 -07'00'Complainant's signatureWalker Smith, Deputy U.S. MarshallPrinted name and title

Sworn to before me and subscribed telephonically.

Date: 12/27/2024@11:43amJudge's signatureCity and state: Phoenix, ArizonaHonorable, Eileen S. Willett, U.S. Magistrate JudgePrinted name and title

STATEMENT OF PROBABLE CAUSE

I, Walker Smith, Deputy U.S. Marshal, of U.S. Marshals Service, being duly sworn, declare and state as follows:

INTRODUCTION AND BACKGROUND OF AFFIANT

1. I am a Deputy United States Marshal assigned to the United States Marshals Service (USMS) in Phoenix, Arizona, and have been so employed since August of 2022. As part of my regular duties, I investigate violations of federal law, including violations of Title 18 of the United States Code (U.S.C.).

2. In preparing this Affidavit, I conferred with other law enforcement officials, who share the opinions and conclusions stated herein. I have personal knowledge of the following facts or have learned them from other law enforcement officers. I also relied on my training, experience, and background in law enforcement to evaluate this information. Since this Affidavit is being submitted for the limited purpose of establishing probable cause for a complaint, I have not included each and every fact or source of information establishing the violation of federal law.

PROBABLE CAUSE

3. On or about March 17, 2021, in the United States District Court for the Eastern District of Washington, Josue MEDINA-PEREZ was convicted of Conspiracy to Distribute 400 grams or more of Fentanyl in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(vi), 846 and Possession with the intent to distribute 40 grams or more of Fentanyl in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(vi), 18 U.S.C. § 2 in Case No. CR-19-06018-EFS-3. The Court sentenced MEDINA-PEREZ to 96 months' imprisonment followed by 5 years of supervised release.

4. On or about December 18, 2024, the Bureau of Prisons (BOP) placed MEDINA-PEREZ at Behavioral Systems Southwest (BSSW) in Florence, Arizona, to finish serving the custodial sentence associated with his conviction. The transfer in custody from BOP to BSSW occurred at the direction of the Attorney General, with authority

delegated by the Attorney General to the BOP. MEDINA-PEREZ's projected release date was April 19, 2026.

5. Inmates at BSSW are subject to the Florence Residential Re-Entry Center (RRC) Rules and Procedures. Section 4.00 states in part: "Residents must have prior approval for all movements in the community as specified on their movement plans. Residents are responsible to keep staff informed of their whereabouts and activities, at all times, while in the community." Section 4.01 states "Residents must return to RRC by their Exact Time of Arrival (ETA). The RRC is always as close as the telephone. A telephone call will not be an acceptable excuse for being late; however, it can possibly prevent an unaccountability, escape, abscond charges, and formal discipline." Section 4.02 states "1 min late or later is considered an escape/abscond."

6. Upon arrival at BSSW, MEDINA-PEREZ participated in an orientation wherein the facility's Rules and Procedures were explained to him. MEDINA-PEREZ received a copy of those Rules and Procedures, agreed to be bound by them, and acknowledged in writing that he understood that violating those rules could result in a "remand to higher custody." MEDINA-PEREZ signed a separate document acknowledging his understanding that he was expected to remain at BSSW unless authorized to leave for employment or other authorized program purposes, and that he was required to abide by BSSW's Rules and Procedures.

7. On or about December 19, 2024, staff at BSSW notified the USMS that MEDINA-PEREZ was placed on escape/absconder status. Based upon information received from BSSW, MEDINA-PEREZ went on an approved movement pass to the Dollar General, located at 495 N Pinal Parkway Ave, Suite 100, Florence, AZ, 85132. MEDINA-PEREZ left BSSW at 1809 and was set to return at 1850. When MEDINA-PEREZ did not return at the approved time, staff at BSSW made accountability calls to Dollar General, local hospitals, and police departments but were unable to locate MEDINA-PEREZ. MEDINA-PEREZ has not returned to BSSW since that time, and all

attempts to locate him have met with negative results. As of this date, MEDINA-PEREZ whereabouts remain unknown.

8. Based on the facts and circumstances stated in this Affidavit, I submit there is probable cause to believe that MEDINA-PEREZ did knowingly and willfully escape from federal custody in violation of 18 U.S.C. §§ 751(a) and 4082(a) and request a warrant be issued for his arrest.

WALKER SMITH

Digitally signed by WALKER SMITH
Date: 2024.12.27 11:14:29 -07'00'

Walker Smith
Deputy U.S. Marshal

Sworn to before me and subscribed telephonically on this 27th day December, 2024.



HONORABLE EILEEN S. WILLETT
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the

District of Arizona

United States of America

v.

Case No. 24-9556 MJ

Josue Medina-Perez

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Josue Medina-Perez

who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Title 18, United States Code, Sections 751(a) and 4082(a) (Escape from Custody)

Date: 12/27/2024



Issuing officer's signature

City and state: Phoenix, AZ

Eileen S. Willett, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: Executed by USMS

On April 24, 2025

In El Paso, Texas

Arresting officer's signature

Printed name and title